

ISAAC FOSSETT.

MAY 1, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5261.]

*The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5261) granting a pension to Isaac Fossett, respectfully submit the following report :*

Claimant enlisted March 15, 1863, for one year, and was mustered out with his company, K, First Minnesota Cavalry, November 23, 1863. On December 1, 1882, he filed his application for pension, alleging that he received an injury of the head and breast caused by his horse falling upon him while in service.

Claimant is shown by testimony to have been a sound, healthy, able-bodied man prior to and at enlistment.

James C. Rhodes, assistant surgeon of the regiment, testifies that about July, 1863, on the evening of the day that the regiment reached Camp Atchison, Dak., while on General Sibley's expedition against the Sioux Indians, Fossett was brought into camp insensible from injuries received from being thrown from his horse in line of duty. Said injuries were of the head, spine, and chest, having been pitched off upon his head and shoulders. Dr. Weiser, surgeon of the regiment (who was afterwards killed), and affiant attended him, cupping him about the head and spine, and using other appropriate remedies. Said soldier did not become conscious until nearly morning. That they continued treatment till they left camp some three days after, and he was left in camp unfit for duty until the expedition returned from the Missouri River, when he was taken on with other sick, and did not again come under affiant's care.

Capt. Peter B. Davy, of said Company K, testifies that claimant was a member of said company. On about July, 1863, while on General Sibley's expedition against the Indians, claimant was injured in his head and breast; that Fossett's horse, while on a gallop, sunk his forelegs in the ground and fell, and Fossett fell from the horse and struck on his head and breast, and the horse either fell or rolled on Fossett; that he was an eye-witness of the fact; that the accident occurred in the evening, and when restored to consciousness he complained of great pain in the breast and head, and owing to his condition he was left at Camp Atchison until the return of the expedition. When discharged, in November following, his head was not right, and he often complained of great pain in his breast.

Jacob Snell, a private, same company, corroborates the statement of Captain Davy as to incurrence.

Asa S. Wam and Ella V. Smith, of Escanaba, Mich., testify that they knew Fossett from 1863 to 1874, when claimant moved to Kansas; that claimant appeared to suffer terribly with pain in his back and back of neck and lungs during this time, and was frequently confined to the house, unable to work.

Dr. C. Black, of Caldwell, Kans., testifies that he has been claimant's family physician since 1874, and since that time he has treated him for injuries of his head and breast, and that his disease of head and breast appears to be the result of a bruise or hurt from a fall, and at this time (October 4, 1883) his lungs are affected; that he has treated him continuously since 1874 for said disease, and he is now unable to perform any manual labor.

Four other residents of Caldwell testify to his condition since 1874, and that he is unable to work.

Claimant was examined by the board of examining surgeons at Wichita, Kans., on February 28, 1883, which board reports:

Pulse 92 per minute; respiration 24 per minute. We find no cicatrices about head, depressions of tables of skull, evidences of broken ribs, or cicatrices of chest walls going to show the receipt of alleged injuries. We find claimant suffering fearfully with asthma, as shown by wheezing, labored respiration, easily heard at a considerable distance from patient, and in the claimant's assuming the attitude peculiar to asthmatics, of leaning forward and elevating the shoulders. Resonance is exaggerated, and chest somewhat barrel-shaped. Claimant states that he cannot lie down and sleep, and that he is totally incapacitated for manual labor, owing to frequent asthmatic attacks. We recommend a total rating for asthma.

Claimant was again examined by the same board on March 18, 1885, and they report: •

His pulse rate 90 per minute; his respiration 30 per minute. We find evidence of asthma in rapid, labored, wheezing breathing and exaggerated pulmonary resonance through both lungs. He is, in our opinion, entitled to a total rating equal to ankylosis at wrist or ankle in relation to hindrance from labor.

Claimant's application for pension was rejected by the Pension Department, because "no disability from alleged injuries since date of filing claim. Asthma not accepted as a result of said injuries."

Your committee think that claimant should hardly be held to a lay definition of his disability, as set forth in his declaration, differing from that given by the medical board and medical reviewers. That he is a great sufferer from asthma, a symptom of lung and chest disease, and has from his discharge from the Army been such a sufferer, and that his sufferings date from the injury received in the service, appears beyond question.

Your committee therefore recommend the passage of the bill with an amendment inserting "K" after "Company," in line 4.